

PATENT COOPERATION TREATY



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INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

REC'D 20 JAN 2005

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Applicant's or agent's file reference L0532.70032	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US 03/1876	International filing date (day/month/year) 08.10.2003	Priority date (day/month/year) 08.10.2002
International Patent Classification (IPC) or both national classification and IPC B42D15/00		
Applicant VERIFICATION TECHNOLOGIES, INC. et Al.		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>		
Date of submission of the demand 10.05.2004	Date of completion of this report 21.01.2005	
Name and mailing address of the International preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Evans, A Telephon No. +31 70 340-3580 	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

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I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-33 as originally filed

Claims, Numbers

1-37 as originally filed

Drawings, Sheets

1/7-7/7 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3,4,8,11,13,15
	No: Claims	1,2,5-7,9,10,12,14,16-37
Inventive step (IS)	Yes: Claims	3,4
	No: Claims	1,2,5-37
Industrial applicability (IA)	Yes: Claims	1-37
	No: Claims	

2. Citations and explanations

see separate sheet

Re Section V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:
D1: WO0054985
2. Document D1 shows (page 8 line 1 - page 9, line 4):
 - a. An authentication mark (11) applied to a substrate(10) for aiding in the determination of whether the substrate is authentic, comprising a first image (20) comprising a first compound (17), the first compound (17) adapted to be altered between at least a first state and a second state, wherein a change from the first state to the second state suggests that the substrate(10) is authentic, cf claim 1.
 - b. A method of authenticating a substrate (19) having an authentication mark (11) on the substrate (10), wherein a consumer can perform at least a portion of an authentication, the mark (11) comprising a first image (20), wherein a first compound (17) is used to create at least a portion of the first image (20), the first compound (17) adapted to be altered between at least a first state and a second state, the method comprising: viewing the first image (20) when the first compound (17) is in the first state; changing the first compound (17) from the first state to the second state; viewing the first image (20) when the first compound (17) is in the second state; and determining whether the mark (11) is authentic based on a change between the first and second states, cf claim 31.

Therefore the subject-matter of claims 1 and 31 is not new, Article 33(2) PCT..

- 3.1 The additional features of dependent claims 2,5-7,9,10,12,14,16-30,32-37 are implicit in document D1 considering that D1 discloses a security element comprising fluorescent and thermochromic parts- both of which can change from first to second states. The thermochromic part being readily tested by a consumer while the fluorescent part is invisible to the naked eye.
- 3.2 Dependent claims 8,11,13 and 15 do not appear to contain any additional features which involve an inventive step when combined with the subject matter of any claim to which they refer.

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4. The combination of the features of dependent claims 3 or 4 is neither known from, nor rendered obvious by, the available prior art.

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